

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF RHODE ISLAND

RECEIVED
MAR 17 2008
Property of U.S. District Court
District of Rhode Island

ELAINE L. CHAO, SECRETARY OF LABOR,
United States Department of Labor,

Plaintiff,

v.

KBAR, INCORPORATED, d/b/a RHODE ISLAND
PROPERTY ADVISORY COMPANY and JOHN
MORGAN and DAVID SUTCLIFF, Individually,

Defendants.

CIVIL ACTION

FILE NO. CA-07-181T

CONSENT JUDGMENT

Plaintiff having filed a complaint and the Defendants having appeared by counsel,
received a copy thereof, waived service of process and, without admitting liability, agreed to the
entry of this judgment without contest.

It is therefore, ORDERED, ADJUDGED and DECREED that Defendants, their agents,
servants, employees and all persons acting or claiming to act in their behalf and interest,
including any successor businesses owned or operated by them, be, and they hereby are,
permanently enjoined and restrained from violating the provisions of the Fair Labor Standards
Act, as amended (29 USC 201 et seq.), hereinafter referred to as the Act, in any of the following
manners;

Defendants shall not, contrary to Sections 7 and 15 (a)(2) of the Act, employ any employees who in any workweek are engaged in commerce or in the production of goods for commerce, or who are employed in an enterprise engaged in commerce or in the production of goods for commerce, within the meaning of the Act, for work weeks longer than forty (40) hours, unless such employee receives compensation for his employment in excess of forty (40) hours at a rate not less than one and one-half times the regular rate at which he is employed.

Defendants shall not fail to make, keep and preserve records of employees and of the wages, hours and other conditions and practices of employment maintained by them as prescribed by the regulations issued, and from time to time amended, pursuant to section 11(c) of the Act and found in 29 C.F.R. 516.

Further, the Court finding as agreed to by the Defendants, but without admitting liability, that employees in the Maintenance Department who are the subject of this investigation and litigation, are due compensation in the amount of \$14,439.43 in back wages as shown on the attached "Exhibit A", which is incorporated in and made a part hereof, it is

ORDERED, ADJUDGED and DECREED that the Defendants are restrained from withholding payment of said compensation.

The Defendants represent that they have been in compliance with the Act since approximately September 30, 2006. In resolving the amount of back wages in this judgment, the Plaintiff has relied on this representation, and accordingly, the back wage provision of this

judgment shall have no effect upon any back wages which may have accrued since that date.

The back wage provisions of this Judgment shall be deemed satisfied when the Defendants shall deliver to the two individuals the amounts listed on "Exhibit A" attached hereto, in the total gross amount of \$14,439.43 on or before December 30, 2007. Defendants shall make appropriate payroll deductions and transmit payment of said deductions to the appropriate authorities, in the normal course. Defendants are responsible to pay the employer's share of FICA.

When recovered wages have not been claimed by any employee within three (3) years, the Secretary of Labor shall deposit such money with the Clerk of this Court who shall forthwith deposit such money with the Treasurer of the United States, pursuant to 28 U.S.C. 2041.

Defendants shall not, under any circumstances, accept and keep any amount returned to them by a person owed compensation under this Judgment. Any such amount shall be immediately paid to the Plaintiff as above.

It is further ORDERED, ADJUDGED and DECREED that each party shall bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding.

Dated: 3/11, 2007.

KBAR, INCORPORATED

By

[Signature]
On behalf of KBAR, Inc.

(Print name: John P Morgan)

[Signature]
John Morgan, President
Individually

Deceased

David Sutcliff
Individually

[Signature]
Attorney Timothy J. Morgan
33 College Hill Road – Suite 15G
Warwick, Rhode Island 02886

DATE:

March 4, 2008

Ernest C Snare

United States District Judge

4/1/08

Jonathan L. Snare
Acting Solicitor of Labor

Frank V. McDermott, Jr.
Regional Solicitor

[Signature]

Paul J. Katz
Senior Trial Attorney

U.S. Department of Labor
Attorneys for Complainant

DATE:

Mar. 10, 2008

EXHIBIT A

<u>Name of Employee</u>	<u>Gross Amount Due</u>
Thomas Connolly, Jr.	\$9,241.26
Pedro Savaiva	<u>\$5,198.17</u>
	\$14,439.43